

**AGENDA FOR THE
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 3, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

NOTE: Due to the Labor Day holiday, the meeting of Monday, September 2, 2002 will be held in conjunction with the regularly scheduled meeting of Tuesday, September 3, 2002 .

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDER OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

07/22/2002
07/23/2002
07/29/2002
07/30/2002
08/05/2002
08/06/2002

SPECIAL ORDER OF BUSINESS

ITEM-31: Children Having Children, Inc. Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-261)

Commending Children Having Children, Inc. for their service and contributions to the City of San Diego;

Proclaiming September 3, 2002 to be "Children Having Children, Inc. Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, 53, and 54.

ORDINANCES TO BE INTRODUCED:

Items 55, 56, 57, and 58.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Campus at Torrey View.

Matter of approving, conditionally approving, modifying or denying an application for a Rezone, Community Plan Amendment, General Plan Amendment, and Planned Development Permit for a rezone from RM-2-5 (Multi-Family Residential) to IL-2-1 (Industrial) and construction of two, four-story, corporate office space on 7.7 acre site.

(RZ/CPA/GPA/PDP-41-0795. Sorrento Hills Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/30/2002. (Council voted 8-0. Mayor Murphy not present):

(O-2003-32)

Rezoning 7.7 acres located east of and adjacent to I-5 and north of Carmel Mountain Road, within the Sorrento Hills Community Plan area, in the City of San Diego, California, from the RM-2-5 Multi-family residential (formerly R-1500) zone into the IL-2-1 Industrial zone, as defined by San Diego Municipal Code Section 131.0406.b.2 and 131.0603; and repealing Ordinance No. O-18546 (New Series), adopted July 20, 1998 of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-51: Community Facilities District No. 4 (Black Mountain Ranch Villages) - Modification of the Rate and Method of Apportionment of Special Tax and Increasing the Maximum Bond Authorization.

(Black Mountain Ranch - Subarea I of the North City Future Urbanizing Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/30/2002. (Council voted 8-0. Mayor Murphy not present):

(O-2003-34)

Repealing Ordinance No. O-18905 and authorizing the levy of a special tax within the District.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-52: College MTDB Community Plan Amendment.

Matter of approving, conditionally approving, modifying or denying an amendment to the College Area Community Plan, amendment to the Progress Guide and General Plan, and a rezoning. The purpose of the amendment and rezoning is to 1) identify the Mission Valley East trolley alignment and future trolley station locations at San Diego State University (at Plaza Drive and Montezuma Place) and near Alvarado Road and Reservoir Drive, 2) revise information related to existing conditions, population, income, housing characteristics, commercial uses and commercial zones, 3) rezone the MR-1,000 (Multi-family Residential, maximum 1 dwelling per 1,000 square feet of lot area) zoned area on the south side of Alvarado Road east of Reservoir Drive to RM-3-7 (Multi-family residential, maximum 1 dwelling per 1,000 square feet of lot area) to be consistent with other Multi-family zoning in the area in making use of the updated Land Development Code.

(98-0794-CPA/RZ. College Community Plan area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/05/2002. (Council voted 9-0):

(O-2002-149)

Incorporating approximately 10.1 acres located on the south side of Alvarado Road between Reservoir Drive and 70th Street in the College Area Community Plan Area, in the City of San Diego, California, from the MR-1000 Zone into the RM-3-7 Zone, as defined by Chapter 13, Division 4 of the San Diego Municipal Code; and repealing Ordinance No. 16577 (New Series), Adopted January 21, 1986, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-53: Torrey Highlands Village Center (LMXU).

Matter of approving, conditionally approving, modifying or denying a Rezone (from AR-1-1 to RM-2-4, CC-3-4, and RM-4-10) a Tentative Map, a Planned Development Permit, a Site Development Permit, and a Street Vacation to develop 267 condominium units, 135 affordable housing units, a 90,000 square-foot commercial center, 1,400 square-feet of community space, and 4,200 square-feet of affordable housing/office space, on an undeveloped 39.5-acre site located at the northwest corner of future State Route 56 and Camino Ruiz, within the Torrey Highlands Subarea Plan. TM No. 7032 (Torrey Highlands Village Center (LMXU)

(MND-40-0968/RZ/TM-7032/PDP-7033/SDP-7034/Street Action-7035/PTS No. 1418. Torrey Highlands Subarea IV Community Plan area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/05/2002. (Council voted 8-1. Councilmember Atkins voted nay):

(O-2003-36)

Rezoning the Torrey Highlands Village Center (LMXU) property located in the City of San Diego, California, from the AR-1-1 zone into the RM-2-4, RM-4-10 and CC-3-4 zones, as defined by San Diego Municipal Code sections 131.0406 and 131.0507; and repealing Ordinance No. 8858 (New Series), adopted August 9, 1963, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-54: Pre-Qualification Program and Modifications to Ordinances and Council Policies Related to Contracts.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 7/29/2002. (Council voted 7-0. Councilmember Peters and Mayor Murphy not present):

Subitem-A: (O-2002-132)

Amending Chapter 2, Article 2, Division 8, of the San Diego Municipal Code by repealing Sections 22.0801, 22.0802, 22.0803, 22.0804, 22.0805, 22.0806, 22.0807, 22.0808, and 22.0809; and B Creating New Sections 22.0801, 22.0802, 22.0803, 22.0804, 22.0805, 22.0806, 22.0807, 22.0808, 22.0809, 22.0810, 22.0811, 22.0812, 22.0813, 22.0814, 22.0815, 22.0816, 22.0817, 22.0818, 22.0819 and 22.0820, all relating to debarment.

Subitem-B: (O-2003-28)

Amending Chapter 2, Article 2, of the San Diego Municipal Code by amending Division 30 by amending Section 22.3003, by repealing Section 22.3028, and by amending Section 22.3029, all relating to Contracts.

Subitem-C: (O-2003-27)

Amending Chapter 2, Article 2, of the San Diego Municipal Code by amending Division 30, Sections 22.3001, 22.3003, 22.3006, 22.3007, 22.3008, and 22.3009; by amending Division 31 by amending Sections 22.3101 and 22.3102; by amending Division 32 by amending Section 22.3211; by amending Division 35 by amending Sections 22.3502; and by adding Division 36 titled "Bidding and award Requirements for Minor Public Works Contracts" and adding Sections 22.3601 through 22.3616, all pertaining to Award of the City's Contracts.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-55: District Cooling Purchase for Crabtree Building.

(Downtown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-38)

Introduction of an Ordinance authorizing the City Manager to execute a Chilled Water Supply Agreement with NRG Energy Center San Diego LLC, to provide chilled water to the Crabtree Building located at 303 A Street, San Diego, for a period of seven years, with an option for up to two 5-year extensions, under the terms and conditions set forth in the Chilled Water Supply Agreement.

CITY MANAGER SUPPORTING INFORMATION:

In 1995, the City acquired the Crabtree Building at 303 A Street to accommodate the USO whose former facility was in the path of the proposed convention center expansion. At that time, the building was receiving chilled water for space cooling purposes from San Diego Power & Cooling under a 1973 agreement with the building's original owner.

Over the next six years, the City continued to benefit from the agreement which annually was automatically renewed with periodic rate increases based on a formula stipulated in the agreement. In April, 2001, NRG Energy Center San Diego, as successor in interest to San Diego Power & Cooling, gave notice to the City of their intent to terminate the agreement effective May, 2002.

In their notice, NRG announced their intention to renegotiate the agreement in light of unanticipated volatility in the cost of energy and their need to more fully recover their costs of operation. Facilities staff has diligently explored alternative means of producing chilled water for the building. However, none of the options appears to be economically viable at this time. NRG is currently the only provider of chilled water in downtown San Diego.

FISCAL IMPACT:

In FY02, Facilities Division budgeted \$36,000 to purchase chilled water for the Crabtree Building. Under the proposed revised agreement, the rate per ton-hour of chilled water will increase by approximately 24% or approximately \$8,500 per year in the first year.

The cost per square foot for chilled water will increase by approximately \$0.28 from \$1.20 to \$1.48. This increase will be passed through to the tenants of the building in the form of either a rent increase or, in the case of the USO, an increase in their share of building operating expenses.

Loveland/Anderson/DMS

Aud. Cert. 2300147.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-56: Establishment of Residential Permit Parking in Barrio Logan (Area D).

(See City Manager Report CMR-02-187. Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-40)

Introduction of an Ordinance authorizing Residential Permit Parking in the Barrio Logan Area (Area D), effective from 8:00 a.m. to 6:00 p.m., Tuesday through Friday, on the following streets:

2000 block of Logan Avenue (south side) between Evans Street and the existing Alley (132 ft.)
2000 block of National Avenue (south side) between Dewey Street and Evans Street
2000 block of Newton Avenue (north side) between Dewey Street and Evans Street
1000 block of Evans Street (north side and south side) Newton Avenue and National Avenue
1100 block of Evans Street (east side) between the Alley and Newton Avenue (126 ft.)
2100 block of National Avenue (north side and south side) between Evans and Sampson Street
2100 block of Newton Avenue (north side) between Evans and Sampson Street
2200 block of Newton Avenue (north side) between Sampson Street and Sicard Street
1000 block of S. 26th Street (east side) between the Alley and Newton Avenue
1000 block of S. 26th Street (west side) between National Avenue and Newton Avenue
2600 block of Newton Avenue (north side and south side) between 26th Street and 27th Street
1100 block of 27th Street (west side) between the Alley and Boston Avenue
2800 block of Boston Avenue (north side and south side) between 28th Street and 29th Street
2900 block of Boston Avenue (south side) between 29th Street and 30th Street
1200 block of 30th Street (west side) between Main Street and Boston Avenue
1000 block of Sicard Street (west side) between the Alley and Newton Avenue

Aud. Cert. 2300082.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-57: Removal of Parking Meters and Establishing a Two (2) Hour Un-Metered Parking Zone on the Eastside of 2nd Avenue between Olive Street and Nutmeg Street.

(Middletown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-47)

Introduction of an Ordinance removing parking meters, and establishing a two-hour un-metered parking zone on the eastside of 2nd Avenue between Olive Street and Nutmeg, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and holidays excepted.

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action is to remove seven parking meters and to establish a two (2) hour un-metered parking zone, 8:00 a.m. to 6:00 p.m., Sundays and holidays excepted, on the eastside of 2nd Avenue between Olive Street and Nutmeg Street. California Vehicle Code Section 22508 requires an ordinance for the establishment of parking meter zones.

The Laurel Hills Homeowner's Association at 2701 2nd Avenue fronts the entire area impacted by this action, and they have petitioned for the proposed changes. The Uptown Community Planning Committee is in favor of this action. The Uptown partnership, Inc is in favor of this action.

The property fronting the subject area is residential in nature, and the residents have stated that they would be best served by a two hour un-metered parking zone.

FISCAL IMPACT:

Funds for the installation of the required signs and removal of the parking meters are budgeted within Transportation Department, Street Division's operating fund. The average revenue from these parking meters is estimated to be \$460.44 per year.

Loveland/Gonzalez/AH

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

* ITEM-58: Sale of Surplus Motive Equipment to the City of Tijuana.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-48)

Introduction of an Ordinance approving the sale of the following surplus equipment to

the City of Tijuana for \$56,900:

<u>TYPE</u>	<u>QUANTITY</u>	<u>PRICE</u>	<u>TOTAL</u>
1994 Ford Crown Victoria Patrol Car	5	\$2,800	\$14,000
1995 Ford Crown Victoria Patrol Car	7	\$3,300	\$23,100
1996 Ford Crown Victoria Patrol Car	3	\$3,600	\$10,800
1993 Kawasaki Motorcycle	2	\$1,500	\$ 3,000
1997 Kawasaki Motorcycle	3	\$2,000	\$ 6,000
Total:			<u>\$56,900</u>

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Departments usually dispose of surplus equipment by auction, pursuant to Section 35 of the City Charter. The Charter also allows for the City Council to authorize the disposal of surplus equipment directly to another agency. The City of Tijuana inspected the available surplus equipment and identified desired equipment. The San Diego Police Department's staff determined fair market value by researching amounts received in previous auctions for similar equipment and checking with the auctioneers for their opinions on value. The requested price for each of the desired pieces of equipment was accepted by the City of Tijuana, which then made a formal offer to purchase the equipment at a total cost of \$56,900. The equipment includes:

<u>TYPE</u>	<u>QUANTITY</u>	<u>PRICE</u>	<u>TOTAL</u>
1994 Ford Crown Victoria Patrol Car	5	\$2,800	\$14,000
1995 Ford Crown Victoria Patrol Car	7	\$3,300	\$23,100
1996 Ford Crown Victoria Patrol Car	3	\$3,600	\$10,800
1993 Kawasaki Motorcycle	2	\$1,500	\$ 3,000
1997 Kawasaki Motorcycle	3	\$2,000	<u>\$ 6,000</u>
Total:			<u>\$56,900</u>

The funds are to be deposited as follows: \$56,900 in Fund 100, Revenue Account No. 78510. This revenue is budgeted in the Police Department's FY03 Budget.

Loveland/Gonzalez/LS

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Agreement for As-Needed Professional Engineering Services with Metcalf & Eddy.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-229)

Authorizing the City Manager to execute an agreement with Metcalf & Eddy for As-

Needed Professional Engineering Services;

Authorizing the expenditure of an amount not to exceed \$300,000 in total from Funds 41506, 41508 and 41509, solely and exclusively for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION:

This Agreement is entered into between the City of San Diego (City) and Metcalf & Eddy, Inc. (M&E) to facilitate the implementation of the Agreement for Contribution Towards Settlement of Claims that became effective on April 17, 2002 (Contribution Agreement). The Contribution Agreement provides for M&E to contribute to the City \$818,000 in services. The services to be provided under the Contribution Agreement apply to M&E direct labor only. Cost incurred for subconsultant work and indirect costs are to be reimbursed to M&E and are not part of the M&E contribution under the Contribution Agreement. The Not-To-Exceed amount of \$300,000 for this As-Needed Professional Engineering Services Agreement is to fund subconsultant and indirect cost components on new contract work incurred during M&E's performance under the Contribution Agreement. This settlement agreement was previously discussed with the City Council in Closed Session.

Mendes/Tulloch/WJH

Aud. Cert. 2300125.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101: Planning and Design Agreement with PBS & J for Sewer and Water Group Jobs.

(See memorandum from Frank Belock, Jr. dated 6/13/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-38)

Authorizing the City Manager to execute an agreement with PBS & J for engineering services for the Planning and Design of Various Sewer and Water Group Jobs [Agreement], in an amount not to exceed \$2,000,000;

Authorizing the expenditure of an amount not to exceed \$500,000 from Water Fund 41500, and an amount not to exceed \$1,500,000 from Sewer Fund 41506, for the purpose of providing funds for the Agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering

department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 4 to 0 to approve the project and direct staff to review bids starting from July 1, 1999, to the present and conduct an analysis/breakdown of all costs associated with CIP projects. (Councilmembers Wear, Frye, Madaffer, and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

In an effort to support the increase rate of replacement of the City's aging sewer lines, it was anticipated that the use of consultant services would be needed. On August 24, 2001, the City Consultant Services Coordinator advertised for engineering consulting firms to provide planning and design services for various sewer and water group jobs. The advertisement had been placed in the San Diego Daily Transcript, Voice and View Point Journal, Asian Journal, La Prensa San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice. Twenty-four (24) firms responded and on October 25, 2001, the Consultant Nominating Committee nominated the seventeen (17) most qualified engineering firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed and the firm of PBS&J was selected as one of the firms to provide the two (2) years of consulting services.

Engineering services required of the Consultant include preparing planning and design packages, responding to design related questions during bidding, reviewing contractor's submittals, and preparing "As-built" drawings. These consultant services are required in order to meet the anticipated planning and design needs for the expanded sewer main replacement program. The sub-consultants anticipated to be utilized for this work are: Katz & Associates, Damon S. Williams Associates, Katz, Okitsu & Associates, Allied Geotechnical Engineers, Dye Surveying, and Safe-R-Dig.

This Agreement provides for planning and design of sewer and water group jobs by task on an hourly basis such that the fee for an individual project does not exceed \$200,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$2,000,000 for a period of two (2) years (from the date of execution by the City) or the completion of the last authorized task.

FISCAL IMPACT:

The total estimated cost of this Agreement is \$2,000,000. Funding of \$500,000 is available from Water Fund 41500 and \$1,500,000 from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300017.

WWF-02-599.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-102: First Amendment to the Consultant Agreement for the West Mission Bay Drive Bridge over San Diego River Feasibility Study.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-286)

Authorizing the City Manager to execute the First Amendment to the Agreement with TY Lin International McDaniel [Agreement] for professional engineering services relating to the West Mission Bay Drive Bridge;

Authorizing the expenditure of an amount not to exceed \$106,430 from Fund No. 30300, CIP-52-643.0, solely and exclusively for the purpose of providing funds for the above project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Caltrans has identified the West Mission Bay Drive Bridge over San Diego River as being eligible for Federal Highway Bridge Replacement and Rehabilitation (HBRR) funds to increase its capacity from four to six lanes. The existing bridge was constructed in 1950 and is about 1,300 feet long with the roadway being 24.2 feet wide in each direction. Average weekday traffic volumes on the bridge in July 2000 exceeded 60,000 vehicles per day which are very high in relation to the bridge width. This, along with the lack of shoulder and its narrow sidewalks, warrant the need for widening. The original Consultant Agreement with TY Lin International McDaniel provides for the professional services required for the preliminary structural investigation and initial environmental constraints study needed to assess the feasibility of widening the existing bridges vs. replacement.

These actions will provide the consultant services necessary to conduct a study to determine the feasibility of incorporating public transit, including a Automatic People Mover (APM) and Bus Rapid Transit (BRT) alignments crossing the San Diego River. This study will consist of identifying potential issues relating to structural feasibility, stage construction, geometry and coordination with City, Caltrans and San Diego Metropolitan Transit Development Board (MTDB).

FISCAL IMPACT:

Funding necessary for this action in the amount of \$106,430 is available in CIP-52-643.0, West Mission Bay Drive Bridge over San Diego River.

In an effort to defer the issuance of commercial paper, available cash in the amount of \$106,430 will be identified through our cash management process. No expenditures will be incurred against commercial paper at this time.

Loveland/Belock/PB

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-103: Consultant Agreement - Mission Bay Boat Launching Facilities.

(Mission Bay Park Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-258)

Authorizing the City Manager to execute a consultant agreement with Joseph Wong Design Associates for professional services for the Mission Bay Boat Launching Facilities, CIP-22-953.0, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$323,642.50 from CIP-22-953.0, Mission Bay Boat Launching Facilities, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is for the design of the four Mission Bay Boat Launching Facilities located at the following sites:

1 - Dana Basin (District 2): will include parking lot improvements, parking lot lighting, demolition of the existing comfort station and construction of a new comfort station that complies with ADA requirements, boat dock improvements (installation of a new concrete dock and a pedestrian ramp), and installation of signage in accordance with Mission Bay Master Plan requirements. The boat

dock improvements will be ADA compliant.

2 - De Anza Cove (District 6): will consist of parking lot improvements, demolition of the existing comfort station and construction of a new comfort station that complies with ADA accessible requirements, and installation of signage in accordance with Mission Bay Master Plan requirements.

3 - Santa Clara (District 2): will include parking lot improvements, parking lot lighting, replacement of the existing docks with new concrete docks with a boat ramp that complies with ADA requirements, and construction of a cut off wall next to the existing boat launching ramp.

4 - Ski Beach (District 6): will include demolition of the existing comfort station and construction of a new comfort station that complies with ADA accessible requirements, replacing the existing boat dock with new concrete dock, and installation of signage in accordance with Mission Bay Master Plan requirements. The boat dock improvements will be ADA compliant.

A list of five (5) consultants was provided by the City's Consultant Coordinator. The firms were interviewed in accordance with Council Policy 300-7, and Joseph Wong Design Associates (JWDA) was selected. JWDA's responsibilities will include planning study; preparation of the construction plans, specifications and cost estimate; and support services during bidding and construction, for a contract amount not to exceed \$323,642.50.

FISCAL IMPACT:

This request of \$323,642.50 is for professional services, which include \$268,642.50 for basic services, and \$55,000 for additional services, as required. Funding will be available in Fund No. 30244, CIP-22-953.0, State Grant allocation for this purpose. The total estimated cost for this project is \$3,373,193.

Loveland/Belock/AO

Aud. Cert. 2300148.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-104: Rescission of Agreement between the City of San Diego and Promote La Jolla, Inc. (Agreement No. RR-285676).

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-26)

Authorizing the City Manager to execute, on behalf of the City of San Diego, a
Rescission of Agreement between the City of San Diego and Promote La Jolla, Inc.

CITY MANAGER SUPPORTING INFORMATION:

An Agreement on or about May 1, 1995, between the City of San Diego and Promote La Jolla, Inc. was entered into for \$54,430 to provide necessary services for the design of improvements to increase the disabled accessibility in La Jolla business district, and to assist the City of San Diego in planning and design of elderly disabled accessibility improvement plans as set forth in Agreement Document No. RR-285676. In late 2001, the City of San Diego CDBG office informed City Engineering staff that the project had been canceled. Both parties of the Agreement have agreed to start the rescission process for cancellation of the Agreement. A total of \$34,249.25 was expended, leaving \$20,170.85 remaining on the contract.

The City's Disability Services Coordinator, who joined the City in 199, has evaluated the services being provided under this Agreement and recommends that it be rescinded because there are more cost effective and efficient methods of meeting legally required accessibility standards for the entire community, not just the small area contemplated by the Agreement. Promote La Jolla, Inc. concurs with this analysis and recommendation and has agreed that the proposed rescission of the 1995 Agreement between the City and their organization is the best solution for both. The proposed rescission of the Agreement between the City and Promote La Jolla, Inc. is before the Council for approval.

Loveland/Belock/PB

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-105: Easement Vacations in Lot 45 of Westview Unit No. 5, Map 12998 and Parcel 2 of Parcel Map 18402.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-256)

Vacating the sewer easement, drainage easements, and a sewer and drainage easement in Lot 45 of Westview Unit No. 5, Map No. 12998, and Parcel 2 of Parcel Map No. 18402.

CITY MANAGER SUPPORTING INFORMATION:

This site is located southeasterly of Black Mountain Road and Westview Parkway in the Mira Mesa

Community Plan area. Council is requested to approve the vacation of a sewer easement, drainage easements, and sewer and drainage easement over Lot 45 of Westview Unit No. 5 Map 12998 and Parcel 2 of Parcel Map 18402 as shown on Engineering Drawing 00045-1-2-C. These easements are being vacated because a sewer and drainage replacement easement of approximately equal value has been acquired by separate instrument. There is no present or anticipated future use for the easement in their current configuration.

Staff recommends approval of the vacations.

Ewell/Escobar-Eck/GRB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-106: Vacation of a Landscaping Easement in Lot 248 of Map 13546.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-230)

Vacating the landscaping easement located within Lot 248 of Map No. 13546, as more particularly described in the legal description and as shown on Drawing No. 19619-B.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a landscape easement in Lot 248 of Map No. 13546. This property is located in the San Ysidro Planning area within Council District 8. The applicant requested the vacation of a landscaping easement granted to the City on June of 1999. The easement was never landscaped because it is enclosed by a wooden fence and a concrete sound wall built before the granting of the landscape easement. There is no vegetation within the easement and the applicant wants to maintain and landscape the easement area. The landscape maintenance district recommends the vacation of the easement. The abandonment of this easement will relieve the City of the responsibility to maintain the landscaping easement area. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Two actions related to California Terraces Unit No. 7B Final Map and Related Item.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-283)

Approving the Final Map.

Subitem-B: (R-2003-284)

Approving a grant deed of Pardee Homes, granting to the City Lot "A" of California Terraces Unit No. 7B for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 30.591 acre site into 160 lots for residential development plus Lots "A" and "B" for open space purposes and Lot "C" for building restricted and landscape easement purposes. It is located northeasterly of I-805 and SR-905, on the north side of Ocean View Hills Parkway in the Otay Mesa Community Plan area.

On April 12, 1994 the Council of the City of San Diego approved City Council Resolution R-283694 for California Terraces. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Number 31274-1-D through 31274-36-D, filed in the Office of the City Clerk under Micro Number 141.52. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$4,621,216. An agreement has been entered into and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$28,500, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

Lot "A" is being deeded to the City at no cost. The lot totals 2.024 acres in size. No park fee credit

is being granted by this action. The lot is to be used for open space purposes.

This subdivision is located in the Otay Mesa Facilities Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at the time of building permit issuance.

This community may be subject to impact fees, as established by the City Council, at the time of building permit issuance.

This is part of a larger project. This portion of the project consisting of 160 single family dwelling units is estimated to generate 1600 average daily trips (ADT). 1200 of these trips are estimated to occur on two segments of nearby Interstate 805, which has a near term plus project volume of 131,720 north of Palm Avenue with level of service "D" and 101,480 south of Palm Avenue with level of service "C." The total estimated impact fees for the California Terraces project in north of future SR-905 is \$19,466,778. A portion of these fees will go toward the construction of Ocean View Hills Parkway and improvements at Palm Avenue/I-805 interchange per Otay Mesa Public Facilities Financing Plan.

FISCAL IMPACT: None.

Ewell/Broughton/GB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-108: Three actions related to Parcel Map Nos. 01-152, 99-991 and 99-993 and Building Restricted Easement Vacations.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-280)

Approving Final Map No. 01-152.

Subitem-B: (R-2003-281)

Approving Final Map No. 99-991.

Subitem-C: (R-2003-282)

Approving Final Map No. 99-993.

CITY MANAGER SUPPORTING INFORMATION:

These lot line adjustment parcel maps are located north of Ted Williams Parkway (SR-56) easterly of Carmel Valley Road in the Black Mountain Ranch Community Plan area in Council District 1. These maps require City Council approval because portions of building restricted easements are being vacated on the maps.

The existing building restricted easements granted to the City of San Diego on Map No. 14064, recorded November 2, 2000 as File No. 2000-0595043 are no longer needed at their present locations because the lots have been reconfigured and therefore the excess easement areas need to be vacated. New building restricted easements, consistent with the new design, are granted on the lot line adjustment maps. Staff has determined that the revised lot lines are consistent with all previously approved permits.

Cash bonds in the amounts of \$700, \$1,800 and \$4,350, as determined by the surveyor's estimates, have been posted as sureties for the setting of survey monuments.

These projects are not creating any new lots, therefore, they are not expected to generate any additional daily trips. A project traffic information sheet has not been provided.

There are neither park fees nor additional public improvements required in connection with these projects.

FISCAL IMPACT:

None

Ewell/Escobar-Eck/GRB

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-109: Parcel Map Work Order 175661.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-257)

Approving Parcel Map W.O. No. 175661, being a consolidation of a portion of Lot 78 of the Rancho Mission of San Diego, according to Map 330 and Superior Court Case Map No. 348, in the action of Juan M. Luco v. Commercial Bank of San Diego, et.

al., together with Parcel 5 of Parcel Map No. 7992, all in the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is a one-parcel consolidation parcel map of a 3.3028 acre site. The site is located southeasterly of Kearny Villa Road and Kearny Villa Court in the Kearny Mesa Community Plan area and is part of the Metro Operations Complex. This map requires City Council approval because the land is City-owned.

The purpose of this map is to allow for the construction of a new structure that would encroach into a portion of a lot that was previously a parking lot. This lot consolidation will allow the structure and parking lot to be contained within the same lot.

This map consists of a consolidation of two existing parcels that contained an existing structure and associated parking, and as such is not expected to generate any new average daily trips on the roadway system. A project traffic information sheet is therefore not provided.

There are neither public improvements nor park fees required in connection with this project.

FISCAL IMPACT: None.

Ewell/Escobar-Eck/GRB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Development Lease - STAR/PAL - Colina Del Sol Park.

(City Heights East Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-292)

Authorizing the City Manager to execute a 25-year lease agreement with STAR/PAL Corporation, a California 501(c)(3) nonprofit public benefit corporation, for a one-half acre portion of Colina Del Sol Community Park, including an approximately 1,800 square-foot building (Building 770) and a shuffleboard court, located west of 54th Street between Orange and University Avenues, San Diego, California, at an initial rent of \$1.00 per year.

CITY MANAGER SUPPORTING INFORMATION:

STAR/PAL (Sports Training, Academics, and Recreation Program/Police Athletic League) is a

501c(3) Nonprofit Public Benefit Corporation with 9 full-time employees. The mission of STAR/PAL is to inspire and aid the youth of greater San Diego to make positive life choices through active participation in educational, athletic and recreational activities. The City of San Diego Police Department supports this organization with 3 officers, a clerical position, and the Director position. The County of San Diego Probation Department provides 2 officers, and STAR/PAL provides 2 full-time and 4 part-time employees. STAR/PAL also receives formal support from U.S. Marshal Service and the San Diego Harbor Police. In addition, STAR/PAL maintains a volunteer corps of 600 law enforcement and fire/life safety professionals to serve approximately 20,000 youths each year throughout the San Diego region.

The STAR/PAL Board of Directors has committed to raising sufficient funds to enable a development program which will result in a new 2,500 square foot building being constructed on the site of the abandoned shuffleboard court, and the existing 1,880 square foot Building 770 being refurbished. The new building will provide space for a classroom/meeting room, community resource area, and staff offices. Additionally, several new parking spaces will be added to the existing parking lot. The cost of this project is currently estimated at between \$400,000 and \$450,000, and will be funded by private donations. STAR/PAL is asking for a sufficient term to amortize the investment. The term of 5 years, plus two 10-year conditional options has been suggested by the Park and Recreation Department. The 10-year options will be conditioned upon the successful completion of the planned improvements, and assumption of full maintenance responsibilities of the entire leased premises by STAR/PAL. Rent will be nominal at \$1.00 per year, and lease administrative cost recovery will be \$2,500 per year, adjusted annually.

FISCAL IMPACT:

Recovery of lease administrative costs.

Herring/Griffith/ACG

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-111: Replacement of the Barrier Rail on the West Morena Boulevard Bridge over Tecolote Creek.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-163 Cor. Copy)

Accepting Program Supplement No. 136, Rev. 1 to Local Agency - State Agreement for Federal Aid Project No. STPLX-5004(079) for the amount of \$102,869 for the replacement of the barrier rail on the West Morena Boulevard Bridge over Tecolote

Creek;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$102,869, Fund 38731, CIP-52-519.0, Bridge Rails - Citywide, for the replacement of the barrier rail in the West Morena Boulevard Bridge over Tecolote Creek contingent upon receipt of a fully executed program supplement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$60,000, Transnet Fund 30300, CIP-52-519.0, Bridge Rails - Citywide, for the replacement of the barrier rail on the West Morena Boulevard Bridge over Tecolote Creek.

CITY MANAGER SUPPORTING INFORMATION:

The existing steel railing on the West Morena Boulevard Bridge over Tecolote Creek is substandard. This project provides for replacement of the existing steel railing with current standard concrete barrier railings and design and construction of approaching guardrails.

FISCAL IMPACT:

Funds are available in CIP-52-519.0, Bridge Rails - Citywide, Replacement of the Barrier Rail on the West Morena Boulevard Bridge over Tecolote Creek. \$102,869 is available in Highway Bridge Reconstruction and Rehabilitation (HBRR) Fund Number 38731 by this action. Transnet Funds (30300) in the amount of \$79,000 have been appropriated in this project, and additional \$60,000 was budgeted for this project in Fiscal Year 2003, Bridge Rails - Citywide.

Belock/Boekamp/HR

Aud. Cert. 2300064.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-112: Rancho Bernardo Community Sports Field Phase III.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-238)

Amending the Fiscal Year 2003 Capital Improvements Program [CIP] budget for CIP-29-476.0 by increasing the budget amount by \$140,000;

Authorizing the City Auditor and Comptroller to appropriate \$140,000 from the 2000 Park Bond Rancho Bernardo Community Park Sports Field Lighting Phase III, Fund No. 38149, to Rancho Bernardo Community Park Sports Field Lighting Phase III, CIP-29-476.0, pending receipt of a fully executed grant agreement between the City of San Diego and the State of California;

Authorizing the expenditure of an amount not to exceed \$140,000 from CIP-29-476.0 for the purpose of completing Phase III of the Rancho Bernardo Community Park Sports Field Lighting construction contract and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Rancho Bernardo Community Park Sports Field Lighting project is located at 18402 W. Bernardo Drive in the community of Rancho Bernardo. The Rancho Bernardo Community Park supports eight athletic fields for baseball, soccer, and multipurpose sports. Phase I provided for sport lights on Fields 3, 4 and 5 which was completed. Phase II will provide sports lighting for Field I and security lights on the Tot Lot area and will begin construction in August. The scope of work for Phase III will provide for sport lights on Fields 6, 7 and 8. The funding authorized by this City Council Action will supplement funding previously authorized to construct this phase of the project. On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager or his representative to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Projection Act of 2000 (Park Bond). The City Manager has secured the 2000 Park Bond grant funding and is entering into a subcontract with the State of California specifying the use of \$140,000 for the Rancho Bernardo Community Park Sports Field Lighting Project.

FISCAL IMPACT:

The estimated total project cost is \$607,000 of which \$467,000 has been previously authorized by City Council Resolutions R-294870 and R-291015. The additional funds requested in the amount of \$140,000 are available in Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Projection Act of 2000 (Park Bond). With this action, the requested funding will be made available in CIP-29-476.0 for construction contract of this project.

Loveland/Belock/AO

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-113: Grant Application for Tecolote Canyon Natural Resource Management Plan.

(Clairemont Mesa and Linda Vista Community Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-277)

Authorizing the City Manager, or designee, to apply to the State of California Department of Fish and Game for a grant in the amount of \$60,000 for funding a Draft Natural Resource Management Plan for Tecolote Canyon Natural Park, and to take all necessary actions to secure funds from the Department of Fish and Game for the Draft Natural Resource Management Plan at Tecolote Canyon Natural Park;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant, if secured;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2003 Capital Improvements Program Budget to add \$60,000 to CIP-29-796.0, Tecolote Canyon Natural Park Resource Management Plan;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2003 Capital Improvements Program Budget to transfer \$41,000 from CIP-20-013.0, Fund No. 630221, Park and Recreation Grant Match Funding to CIP-29-796.0, Tecolote Canyon Natural Park Resource Management Plan;

Authorizing the City Auditor and Comptroller to appropriate and expend \$101,000 from CIP-29-796.0, Tecolote Canyon Natural Park Resource Management Plan, in accordance with the terms and conditions set forth in the grant funding agreement upon receipt of a fully executed grant agreement.

CITY MANAGER SUPPORTING INFORMATION:

The State of California Department of Fish and Game provides grant funding via the Natural Community Conservation Planning (NCCP) Local Assistance Grant Program for tasks associated with the implementation of the local NCCP. The City of San Diego's Multiple Species Conservation Program (MSCP) is the local equivalent of the State's Natural Community Conservation Planning Program and is eligible for funds through this program.

This grant application is for a Draft Natural Resource Management Plan for Tecolote Canyon Natural Park. This is one of the urgent implementation tasks stated in the City's MSCP. This project will include a review of all background data, field data collection done by a consultant, mapping and partial plan preparation. Once the grant-funded section is completed, Park and Recreation staff will finalize the draft document, circulate it for public review and finalize the Natural Resource Management Plan. This project will help bring the area into compliance with the

MSCP and provide a systematic approach to habitat management, enhancement and restoration.

FISCAL IMPACT:

This application requests \$60,000 from the Department of Fish and Game. The City of San Diego will provide a local match of \$41,000 from Park and Recreation Grant Match Funding, CIP-20-013.0.

Herring/Oppenheim/HL

Aud. Cert. 2300136.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-114: Application for OTS Grant: Pacific Beach DUI Awareness Campaign.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-209)

Authorizing the Chief of Police to accept and administer funds for “Pacific Beach DUI Awareness Campaign;” and that such authorization shall include all aspects of grant acceptance, operation, expenditures, and certification; and that the City will comply with all applicable statutory or regulatory requirements related to said program;

Authorizing the Chief of Police to commit Police Department funds necessary for the successful operation of this Grant Award Agreement;

Authorizing the Chief of Police to execute any amendments, extension, renewals, or future funding for the program for a period of up to five years, provided funding is made available by the State of California;

Declaring that any liability arising out of our performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the City of San Diego. The State of California and the California Office of Traffic Safety disclaim responsibility for any such liability;

Declaring that grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body, and that personnel positions funded hereunder are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Police Department submitted a grant proposal to the California Office of Traffic Safety for funds to implement a program to reduce drunk driving related incidents in Pacific Beach.

Pacific Beach consistently has the highest number of DUI arrests and collisions citywide. This project will target the area with DUI checkpoints and directed enforcements activities on Friday and Saturday nights from May through December for two years.

Traffic Division will also provide service industry (bar and restaurant workers) trainings in cooperation with the Department of Alcoholic Beverage Control and Vice Investigations. In addition, Community Relations Officers will conduct press conferences, and educational simulations of alcohol-impaired driving to high school and college students, and military personnel.

Grant funds will be allocated to overtime for Traffic Officers and Supervisors to staff DUI enforcement operations; a computer and projector; evidentiary alcohol screening devices; digital cameras; handheld radar units; educational and promotional materials to support the anti-DUI activities; and mandatory travel.

FISCAL IMPACT:

Grant funds of approximately \$300,000 will be used for officer/supervisor overtime, equipment and supplies, and a computer with software. Network connection and maintenance for the computer costs approximately \$1,372, which is not grant funded, and will be paid from within the Police Department's existing budget. No staff positions will be funded. There is no requirement to provide matching funds, nor to continue project expenditures or services after grant funds are exhausted.

Uberuaga/Bejarano/DJW

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-115: Jurisdictions Unified for Drug-Gang Enforcement Grant Partnership with County District Attorney.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-237)

Authorizing the Chief of Police to continue participating in the "Jurisdictions Unified for Drug-Gang Enforcement" (JUDGE) program and to accept, manage and expend funds for the JUDGE program as made available by California Office of Criminal Justice Planning (OCJP) and the District Attorney; and that this authorization includes

all aspects of JUDGE program participation and expenditures; and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the City to provide the matching resources and on-going costs of operation relating to this program, under the program and funding terms and conditions of OCJP and the District Attorney, including any future funding, amendments, and extensions that do not materially impact or alter the grant or funding level, for a period of up to five years;

Declaring that the grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body;

Declaring that personnel positions funded hereunder are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego County District Attorney applies yearly for a grant from the California Office of Criminal Justice Planning to fund a program titled JUDGE (Jurisdictions Unified for Drug-Gang Enforcement). JUDGE is a multi-agency task force consisting of staff from law enforcement throughout the County. The goal is to target serious drug and/or gang offenders countywide for intensive supervision, vertical prosecution, and maximum penalization.

SDPD has participated in JUDGE for 15 years. In recent years, we have provided 50% of a Lieutenant, one Sergeant, and two Detectives to the team. In turn, the District Attorney divides JUDGE grant funds among the participating agencies. Varying amounts of approximately \$130,000 to \$140,000 yearly are allocated to SDPD toward the salaries and benefits for SDPD JUDGE personnel (for example, the current year allocation is \$133,564).

The purpose of this Resolution is to renew Council authorization to participate in JUDGE, and to accept grant funding from the California Office of Criminal Justice Planning, via the District Attorney, toward salary and benefits of participating SDPD staff.

FISCAL IMPACT:

Personnel costs for SDPD salaries, benefits, and detective pay are as follows:

Lt. Det @ 50%:	\$ 64,431
Sgt. Det. @ 100%	\$101,525
POII Det. (2) @ 100%	\$167,148

Recurring yearly officer costs (supplies, equipment and training) are approximately \$15,322 each, times 3.5, equals \$53,627 per year.

Total yearly cost to SDPD is \$386,731. After grant funding of \$130,000 to \$140,000 per year, City responsibility is from \$246,731 to \$256,731 per year. JUDGE also reimburses minor travel/training costs for SDPD personnel. There is no requirement to continue program participation or

expenditures after grant funding has ended. The City's share will be funded from within the Police Department's existing budget.

Ewell/Bejarano/DJW

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-116: Transfer of District Eight Community Development Block Grant (CDBG) Funds.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-233)

Authorizing the City Auditor and Comptroller to transfer Council District 8 FY 2003 Community Development Block Grant [CDBG] funds not to exceed the sum of \$10,000 from Department 4265, Org. 6506 (Logan Heights 108) to Department 4253, Org. 5310 (Chicano Park Mural Restoration);

Authorizing the expenditure of said funds, solely and exclusively, for the purpose of acquiring special protective sealant to protect the Chicano Park Murals after they have been restored, which will be applied by the five artists who are restoring the murals over the next two years.

CITY MANAGER SUPPORTING INFORMATION:

Cal-Trans had allocated \$1.6 million toward the restoration of the Chicano Park Murals. Over the next two years, five artists will restore all of the murals in Chicano Park. In order to protect the murals after restoration, the artists will apply a special protective sealant to guard against future deterioration and vandalism. Council District 8 has pledged \$10,000 of CDBG funds to acquire this protective sealant.

FISCAL IMPACT:

Funds are available in the FY 2003 Community Development Block Grant program.

Herring/Cunningham/ELL

Aud. Cert. 2300138.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-117: Additional Annual Expenditure of \$2,808 for LNG Fueling Station Lease.

(Miramar Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-264)

Authorizing the expenditure not to exceed \$2,808 per year in addition to the previously approved amount of \$135,000 per year beginning January 2001, for lease of a liquid natural gas fueling station at the Environmental Services Operations Station at 8353 Miramar Place.

CITY MANAGER SUPPORTING INFORMATION:

Resolution R-294293 dated November 27, 2000 paragraph 3, authorized the City Manager to approve the public/private partnership agreement with Applied LNG Technologies USA, LLC to lease a liquid natural gas (LNG) fueling station to the City for five years and to provide LNG as a vehicle fuel at a fixed rate for five years. The agreement with Applied LNG Technologies USA, LLC is on file in the City Clerk's Office as Document Number RR-294293-3.

At the time of the Council action, an exact monthly lease cost of the LNG fueling station had not been negotiated. The actual price is \$11,484 per month for an annual cost of \$137,808. R-294293 authorized an approximate annual cost of \$135,000. This action is required to increase the Auditor's Certificate 2100549 from \$135,000 to \$137,808 to reflect the actual annual cost.

Loveland/Hays/MLV

Aud. Cert. 2300146.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-118: Establish a Two (2) Hour Un-Metered Parking Zone on the East and West Side of Border Village Road between 200 Block East San Ysidro Boulevard and 600 Block East San Ysidro Boulevard.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-251)

Establishing a two-hour unmetered parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the east and west side of Border Village Road between 200 block East San Ysidro Boulevard and 600 block East San Ysidro Boulevard;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two (2) hour parking limit from 8:00 a.m. to 6:00 p.m., except on Sundays and holidays, on the east and west side of Border Village Road between 200 block East San Ysidro Boulevard and 600 block East San Ysidro Boulevard.

The following properties represent 100% fronting of the affected area, and have signed a petition for this action:

1. Baja-Mex Currency Services LLC at 320 Bolton Hall Road, whose parking lot fronts on Border Village Road.
2. Baja-Mex Insurance at 358 East San Ysidro Boulevard, whose parking lot fronts on Border Village Road.
3. Advanced Automated Interiors at 644 East San Ysidro Boulevard, whose parking lot fronts on Border Village Road.
4. ABC Electronic at 121 Louisiana Avenue, whose parking lot fronts on Border Village Road.
5. 4650 Border Village Road.
6. 4625 Border Village Road.
7. 4605 Border Village Road.
8. 4590 Border Village Road.
9. 4450 Border Village Road.

The existing parking configuration for the properties at 364 East San Ysidro Boulevard and 4623 Border Village Road will not be affected by this action, and they have not petitioned for this action.

The subject location is within a commercial district, and increasing the turnover of parking would benefit the area as a whole. Field inspections by Traffic Engineering staff revealed a very high level of parking occupancy and a low turnover for parked vehicles, thus satisfying the minimum requirements for un-metered time limit parking. This area is also adjacent to other areas with time limit parking, thus guaranteeing an adequate level of enforcement.

The San Ysidro Planning and Development Group is in favor of this action.

FISCAL IMPACT:

Fund for the installation of signs are budgeted within the Transportation Department, Street Division's Operating Fund.

Loveland/Gonzalez/AH

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-119: Two actions related to Initiations of a Community Plan Amendment and a Rezone to Allow for Development of a City-Owned Community Skate Park on a Parcel in the Rancho Peñasquitos Community.

(Rancho Peñasquitos Community Area. District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-155)

Initiating the plan amendment process to change the commercial land use designation of Lot 4 of Carmel Peñasquitos Plaza to an open space designation to accommodate development of a City owned and operated community skate park.

Subitem-B: (R-2003-166)

Initiating the rezone process to rezone Lot 4 from CP-1-1 to OP-1-1 to accommodate development of a community skate park.

CITY MANAGER SUPPORTING INFORMATION:

The request for a community plan amendment and rezone originated with the community in order to develop a vacant parcel with a community skate park. The parcel is designated for commercial use in the Rancho Peñasquitos Community Plan and is currently zoned CP-1-1 (commercial parking).

The parcel is jointly owned by Caltrans and the City and is currently designated as a potential park and ride location. However, Caltrans has determined that it no longer plans to use the vacant lot for a Park & Ride, and will, pursuant to an amendment to the Cooperative Agreement, allow the City to use the approximately 1.3 acre parcel as a skate park. A Community Plan Amendment to change the land use designation from commercial to open space (P)P and a rezone from CP-1-1 to OP-1-1 (city-owned active open space park) would accommodate development of the proposed community skate park, and allow the community and City to use FBA funds, if necessary, to pay for the costs of constructing the park. The first step in this process is City Council initiation of the Community Plan

Amendment and Rezone. The initiations would allow staff to proceed with analysis of the proposals and preparation of any necessary revisions to adopted documents. The initiation processes are identified in Sections 122.0103(a) and 123.0103(a) of the Land Development Code which state that the City Council may initiate an amendment to a community plan and rezone by adopting the resolution. The Community Plan Amendment and Rezone will be a future action by the City Council.

FISCAL IMPACT:

Adoption of the resolutions initiating the community plan amendment and rezone would allow for further analysis of the fiscal impact. If the initiation is approved, future approvals actions could enable FBA funds to be used in the development of the park and may result in an amendment to the PFFP.

Ewell/Cameron/GCB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-120: Excusing Mayor Dick Murphy from the Council Meetings of July 29 and 30, 2002 (10:00 am Meeting).

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-272)

Excusing Mayor Dick Murphy from attending the regularly scheduled Council Meetings of July 29 and 30, 2002, due to the death of his mother.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-121: Excusing Councilmember Wear from Council Meeting of July 23, 2002.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-226)

Excusing Councilmember Byron Wear from attending the regularly scheduled Council Meeting of July 23, 2002.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-122: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-192)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-123: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-04)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-124: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-274)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:

ITEM-200: License Agreement with Ricochet Networks, Inc.

(See City Manager Report CMR-02-189.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-58)

Introduction of an Ordinance authorizing the City Manager to execute an Exclusive Ricochet Pole Top Radio and Wired Access Point (WAP) Equipment License and Nonexclusive Pole Top Use Agreement between the City of San Diego and Ricochet Networks, Inc.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-201: Northwestern Police Area Station and Community Service Center Property Acquisition.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-295)

Authorizing the City Manager to acquire property rights from Pardee for the Northwestern Police Area Station and Community Service Center;

Approving the expenditure of \$3,002,500 from CIP-36-059.0, Fund 79002, for the purchase of the property and related costs.

CITY MANAGER SUPPORTING INFORMATION:

The Development Agreement between the City of San Diego and Pardee Construction Company for Pacific Highlands Ranch Subarea III North City Future Urbanizing Area authorized by City Council and filed September 8, 1998 as Document Number 00-18571 contained several conditions related to the development. Section 5.2.3 of the agreement requires that "Pardee sell to City a police station site with a minimum of 4.0 gross (3.5 net developable) acres in Carmel Valley, the site to be mutually agreed upon, for a purchase price of no more than three million dollars." Exhibit "F" of this Development Agreement is the Purchase Agreement.

City staff and Pardee Construction have considered multiple sites, and have reached agreement on the subject site, Lots 18 and 19 of Map 10945 - Employment Center Development Unit No. 2B which meets the minimum requirements for the proposed facility. The Police Department, as well as the Carmel Valley Planning Board, approve of this site for the purposes of the Northwestern Police Area Station and Community Service Center.

This action requests authorization to expend \$3,002,500 from CIP-36-059.0, Fund 79002 for the purchase of this property and related costs.

APPROVALS:

On July 9, 2002 the Carmel Valley Community Planning Board supported the location of this site with a vote of 12 to 0 with 1 abstention.

FISCAL IMPACT:

\$3,002,500 will be expended from CIP-36-059.0, Fund 79002 for the purchase of this property and related costs.

Herring/Griffith/MFW

Aud. Cert. 2300202.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Santa Monica Unit No. 1", "Santa Monica Unit No. 2", and "Santa Monica Unit No. 3", a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the southwesterly of San Dieguito Road and Carmel Valley Road in the Carmel Valley Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Carmel Valley Neighborhood 4, Unit 8
Crown Bay

COMMUNITY AREA

Carmel Mountain Ranch
Centre City

Carmel Valley Neighborhood 4, Unit 11
Villa Portofino

Carmel Valley
Old San Diego

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Wind and Sea Homes,” a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the La Jolla Community Plan Area in Council District 1, westerly of La Jolla Boulevard between Playa Del Sur Avenue and Playa Del Norte Avenue. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Park Laurel,” a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located northwesterly of Sixth Avenue and Laurel Street in the Uptown Community Plan Area in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT